

By: Gonzales

H.B. No. 440

Substitute the following for H.B. No. 440:

By: Aycock

C.S.H.B. No. 440

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to adapting the public school physical education  
3 curriculum to accommodate the needs of students with mental  
4 disabilities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 28.002(d), Education Code, is amended to  
7 read as follows:

8 (d) The physical education curriculum required under  
9 Subsection (a)(2)(C) must be sequential, developmentally  
10 appropriate, and designed, implemented, and evaluated to enable  
11 students to develop the motor, self-management, and other skills,  
12 knowledge, attitudes, and confidence necessary to participate in  
13 physical activity throughout life. Each school district shall  
14 establish specific objectives and goals the district intends to  
15 accomplish through the physical education curriculum. In  
16 identifying the essential knowledge and skills of physical  
17 education, the State Board of Education shall ensure that the  
18 curriculum:

19 (1) emphasizes the knowledge and skills capable of  
20 being used during a lifetime of regular physical activity;

21 (2) is consistent with national physical education  
22 standards for:

23 (A) the information that students should learn  
24 about physical activity; and

1 (B) the physical activities that students should  
2 be able to perform;

3 (3) requires that, on a weekly basis, at least 50  
4 percent of the physical education class be used for actual student  
5 physical activity and that the activity be, to the extent  
6 practicable, at a moderate or vigorous level;

7 (4) offers students an opportunity to choose among  
8 many types of physical activity in which to participate;

9 (5) offers students both cooperative and competitive  
10 games;

11 (6) meets the needs of students of all physical  
12 ability levels, including students who have a [~~disability,~~ chronic  
13 health problem, disability, including a student who is a person  
14 with a disability described under Section 29.003(b) or criteria  
15 developed by the agency in accordance with that section, or other  
16 special need that precludes the student from participating in  
17 regular physical education instruction but who might be able to  
18 participate in physical education that is suitably adapted and, if  
19 applicable, included in the student's individualized education  
20 program;

21 (7) takes into account the effect that gender and  
22 cultural differences might have on the degree of student interest  
23 in physical activity or on the types of physical activity in which a  
24 student is interested;

25 (8) teaches self-management and movement skills;

26 (9) teaches cooperation, fair play, and responsible  
27 participation in physical activity;

1           (10) promotes student participation in physical  
2 activity outside of school; and

3           (11) allows physical education classes to be an  
4 enjoyable experience for students.

5           SECTION 2. This Act applies beginning with the 2015-2016  
6 school year.

7           SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2015.